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 PLAINTIFF RADIO CITY, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

14 IN RE TELESCOPES ANTITRUST
 15 LITIGATION

16 This Document Relates to:

17 SPECTRUM SCIENTIFICS LLC, RADIO
 CITY, INC., and those similarly situated,

18 Plaintiffs,

19 v.

20 CELESTRON ACQUISITION, LLC, SUZHOU
 21 SYNTA OPTICAL TECHNOLOGY CO., LTD.,
 SYNTA CANADA INT'L ENTERPRISES
 LTD., SW TECHNOLOGY CORP., OLIVON
 22 MANUFACTURING CO. LTD., OLIVON USA,
 LLC, NANTONG SCHMIDT OPTO-
 ELECTRICAL TECHNOLOGY CO. LTD.,
 NINGBO SUNNY ELECTRONIC CO., LTD.,
 PACIFIC TELESCOPE CORP., COREY LEE,
 DAVID SHEN, SYLVIA SHEN, JACK CHEN,
 JEAN SHEN, JOSEPH LUPICA, DAVE
 ANDERSON, LAURENCE HUEN, and DOES
 25 1-50,

26 Defendants.

Case No. 5:20-cv-03639-EJD

Case No. 5:20-cv-03642-EJD

**SUPPLEMENTAL DECLARATION OF
 RONALD J. FISHER IN SUPPORT OF
 DPPS' OPPOSITION TO
 DEFENDANTS' MOTION FOR
 TERMINATING SANCTIONS AGAINST
 DPP PUTATIVE CLASS, OR
 ALTERNATIVELY, FOR ISSUE AND
 EVIDENCE SANCTIONS AND
 ADVERSE INFERENCE INSTRUCTION
 AND TO REQUEST FOR MONETARY
 SANCTIONS**

Date:	April 6, 2023
Time:	9:00 a.m.
Judge:	Hon. Edward J. Davila
Location:	Courtroom 4 – 5th Fl.
Compl. Filed:	June 1, 2020
Third Am.	August 31, 2021
Compl. Filed:	
Trial Date:	None Set

1 I, Ronald J. Fisher, declare:

2 1. I am licensed to practice before this Court and a partner at BraunHagey & Borden
 3 LLP, counsel of record for Plaintiff Radio City, Inc and the Direct Purchaser Plaintiffs (“DPP”)
 4 class. I make this declaration based on my own personal knowledge. If called as a witness, I could
 5 and would testify competently to the facts stated herein.

6 2. In my original declaration, I identified categories of financial and transaction-related
 7 documents that DPPs produced to Defendants, including (1) Radio City’s purchasing invoices from
 8 Celestron, (2) annual sales reports for Radio City’s sales of Celestron telescopes and telescope
 9 accessories, (3) Radio City’s monthly financial statements covering multiple years and (4) sales
 10 orders for Radio City’s sales of Celestron telescopes and telescope accessories. I make this
 11 declaration to provide the Court with exemplars of documents related to Defendants’ motion for
 12 terminating sanctions (Dkt. 322).

13 3. Attached as **Exhibit 1** is a true and correct copy of a compilation of purchasing
 14 invoices for purchases Radio City made from Celestron in the year 2014. This document bears the
 15 bates range DPP00056958 to DPP00057017. DPPs also produced compilations of purchasing
 16 invoices for purchases Radio City made from Celestron in the years 2015 and 2016. These
 17 documents bear the bates ranges DPP00057018 to DPP00057089 and DPP00057090 to
 18 DPP00057171, respectively. These documents were produced on September 24, 2021.

19 4. Attached as **Exhibit 2** is a true and correct copy of a compilation of annual sales
 20 reports for Radio City’s sales of Celestron telescopes and telescope accessories between the years
 21 2006 and 2018. This document bears the bates range DPP00057865 to DPP00057890. These
 22 documents were produced on September 24, 2021.

23 5. Attached as **Exhibit 3** is a true and correct copy of a monthly financial statement
 24 prepared for Radio City by its accountant for the month of August in the year 2016. This document
 25 bears the bates range DPP00056369 to DPP00056381. DPPs produced monthly financial
 26 statements to Defendants for each month between July 2014 and December 2016. These documents
 27 bear the bates ranges DPP00046195-00046200, DPP00046213-00046218, DPP00046228-
 28 00046233, DPP00046246-00046251, DPP00046262-00046267, DPP00046280-00046285,

1 DPP00056149-00056154, DPP00056155-00056167, DPP00056168-00056180, DPP00056181-
 2 00056193, DPP00056194-00056199, DPP00056200-00056212, DPP00056213-00056218,
 3 DPP00056219-00056231, DPP00056232-00056237, DPP00056238-00056250, DPP00056251-
 4 00056263, DPP00056264-00056277, DPP00056278-00056289, DPP00056290-00056302,
 5 DPP00056303-00056315, DPP00056316-00056328, DPP00056329-00056342, DPP00056343-
 6 00056355, DPP00056356-00056368, DPP00056369-00056381, DPP00056382-00056394,
 7 DPP00056395-00056407, DPP00056408-00056420, and DPP00056421-00056455. These
 8 documents were produced on September 24, 2021.

9 6. Attached as **Exhibit 4** is a true and correct copy of a sales order processed for Radio
 10 City's sale of a Celestron telescope or telescope accessory on August 20, 2016. This document
 11 bears the bates number DPP00022969. DPPs have produced a large amount of Radio City's sales
 12 orders to Defendants in this case.

13 7. DPPs also produced compilations of Radio City's weekly sales reports to
 14 Defendants. Attached as **Exhibit 5** is a true and correct copy of a compilation of weekly sales
 15 reports covering the time period January to December 2014. This document bears the bates range
 16 DPP00520235 to DPP00520295. DPPs also produced compilations of Radio City's weekly sales
 17 reports to Defendants for the years 2015 and 2016. These documents bear the bates ranges
 18 DPP00519609 to DPP00519667 and DPP00520300 to DPP00520357, respectively.

19 8. DPPs also produced Radio City's quarterly sales reports to Defendants. Attached as
 20 **Exhibit 6** is a true and correct copy of a quarterly sales report for the Radio City Astronomy
 21 Department, generated on November 5, 2014, covering the time period from July 1, 2014 to
 22 September 30, 2014. This document bears the bates numbers DPP00054440 and DPP00054460.

23 9. On March 3, 2023, I notified Defendants that boxes of purchase receipts had been
 24 collected from Radio City and that DPPs would make them available for Defendants to inspect and
 25 scan at DPPs' counsel's offices. Attached as **Exhibit 7** is a true and correct copy of the letter I sent
 26 to Defendants on March 3, 2023, notifying them of this information. Defendants have not contacted
 27 DPPs to request an inspection or otherwise retrieve copies of the receipts.

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10. In my original declaration, I identified a full composite report that was produced to Defendants for the time period January to June 2014. Attached as **Exhibit 8** is a true and correct copy of relevant pages from this composite report, including a monthly sales report for the month of April 2014 and the cover pages from an April 2014 stock status report, a July 2014 register report, a July 2014 used report, and a June 2014 open invoice report.

11. Attached as **Exhibit 9** is a true and correct copy of a July 1, 2014, Register Report that was produced to Defendants bearing the bates number DPP00521051.

12. Attached as **Exhibit 10** is a true and correct copy of a July 21, 2014, Register Report that was produced to Defendants bearing the bates number DPP00013445.

13. Attached as **Exhibit 11** is a true and correct copy of a document that was produced to Defendants bearing the bates range DPP00521652 – DPP00521664.

I swear under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: April 5, 2023

/s/ *Ronald J. Fisher*

Ronald J. Fisher